

Power of Attorneys

SGLI Coverage

Wills



Soldier Business

DEPLOYMENTS and separations from home station are common events in military life that require soldiers to have their personal affairs in order. Yet military attorneys regularly encounter soldiers who need last-minute assistance before leaving on deployment or temporary-duty assignments. This rush to complete such routine paperwork on short notice causes unnecessary anxiety for soldiers and family members and undue pressures on servicing staffs.

Lessons From the Past

Operations Desert Shield and Desert Storm uncovered a large number of service members who were not prepared for deployment because their personal affairs were not in order. Although every unit underwent routine exercises to ensure preparedness, thousands of wills, powers of attorney, identification-card applications for family members, and other documents had to be initiated and completed before deployment. Instead of using predeployment time for unit equipment readiness, commanders and soldiers

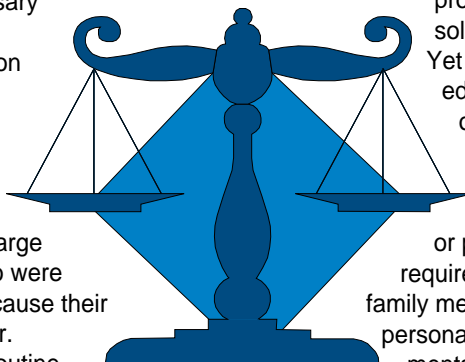
were forced to concentrate on personal legal and medical matters, causing delays and confusion.

Emergency Deployment Exercises

Personnel readiness activities, from emergency deployment readiness exercises to soldier readiness processing, continue to identify soldiers who need legal services. Yet many of these soldiers repeatedly fail to make legal appointments or complete their paperwork, even after they've been identified.

Unlike an immunization that can be administered at any time or place, legal matters usually require discussions with relatives and family members regarding the soldier's personal affairs, followed by appointments to review such related documents as life-insurance policies,

contracts, divorce decrees and separation agreements. A legal officer's failure to properly interview and advise a client beyond the confines of a hasty exercise, and a failure to prepare legal documents tailored to that client's situation, is malpractice. Neither the soldier nor his commander should settle for less than the best of legal service.



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Be Ready to Deploy

Humanitarian and peacekeeping missions often include some of the same risks soldiers face in combat, and they're generally more likely to occur without warning. Recent floods, hurricanes and forest fires are proof of how soldiers may have to respond to sudden emergencies. In addition to unit deployments, individuals with specialized skills may be called from otherwise stable assignments to meet critical needs. In either case, the soldier must be prepared to go at a moment's notice and should have at least a general or special power of attorney, a living will and a regular last will and testament. The spouses of service members should also have similar legal documents.

The Value of a Will

There is no civilian or military legal requirement to have a will, but failure to have one upon death will normally result in unnecessary burdens and grief to the surviving family members.

A will names the person who has the authority to act on the deceased's behalf. It specifically declares how the assets will be distributed, appoints guardians of children and establishes trusts for minor or adult children. The will also provides for many other aspects ranging from personal gifts or gifts to charities, to what actions to take to meet the deceased's legal and financial obligations.

Powers of Attorney

Powers of attorney range from "general" that cover the vast majority of property matters to "special" powers of attorney that accomplish a particular task. When giving a power of attorney, you are appointing an "agent," with the same authority as yourself, to act in your behalf. It is important that the person appointed is totally trustworthy and understands your wishes, because that person's signature can bind you to a contract or other obligation. Once a power of attorney is given, it is very difficult to void unless it can be retrieved from the agent and destroyed. For this reason, most general powers of attorney will have specific termination dates.

SGLI Coverage

A \$250,000 SGLI insurance policy is normally one of the largest dollar assets in a soldier's estate, so it must be treated seriously. Periodically review who is named as the primary and alternate beneficiary of the policy, and change these beneficiaries as your circumstances change. Single soldiers often will name a family member or current girl/boyfriend as the beneficiary, then marry without changing the beneficiary to be the spouse and children. This failure to update beneficiaries has proven disastrous to surviving family members, because the SGLI benefit must be paid to those named in the policy, regardless of what may be stated in a last will and testament.

Another common error is to use "By Law" to indicate the beneficiaries. To ensure the correct beneficiaries receive the money, always list the names and specific relationships of the beneficiaries and the percentage to be paid to each person. For payment directly into a trust established by a will, the beneficiary should state: "Payable to the trustee established in my last will and testament for the benefit of my son/daughter, John/Jane Doe."

By doing so, the funds will go into the trust without court appointment of a custodian of the funds, as would be needed if payment was directly to a named minor.

We're Here for Your Protection

Legal-assistance attorneys can create and tailor the documents required to fit your needs and complete their execution before a notary public. It is not necessary to take annual leave to visit your legal-assistance office, as these matters are "soldier business" and may be accomplished during duty time with the absence approval of your superior.

Legal services from active-duty legal-assistance offices are free military benefits provided to active-duty soldiers, retired military members and their authorized family members. Members of the Reserves and National Guard have judge advocates within their chains of command to assist them and should not wait until they're mobilized to seek legal services. □

